

OGC HAS REVIEWED.

Management Officer

6 April 1950

Legal Staff

Draft of Administrative Instruction Re: Time, Leave, and Pay.

1. The proposed changes in Administrative Instruction [redacted] dated 22 April 1949, by the insertion of paragraph 5, "Home Leave from Overseas Post," have been reviewed and we wish to submit the following comments.

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2. [redacted]

[redacted] We believe it would be advisable to cover this by amending Section (a) of the Administrative Instruction to read:

"Home leave will be granted an employee who was a resident of the United States or its Territories and possessions at time of employment after two years' continuous government service abroad or as soon thereafter as possible, provided that he has accrued at the time of such order annual leave sufficient to carry him in a pay status while in the United States for at least 30 days."

3. Under subparagraph (b), the designation of the annual or sick leave indicated in subparagraphs (1), (2) and (3) as "home" leave, may be misleading, and we suggest the deletion of the word "home." The recent opinion of the Comptroller General in regard to this subject applied only to employees on regular assignment abroad, and, in order to eliminate possible future confusion, we suggest a revision in the introduction to subparagraph (b) to read as follows:

"The following types of leave shall not constitute a break in 'continuous service abroad' of an employee regularly assigned to an overseas post:"

4. In subparagraph (b)(2) we suggest that "own expense" be revised to read "personal expense." As revised, it may suffer from the monotony of repetition, but the word "own" might apply to Government as well as personal expense.

5. In subparagraph (c) our remarks above apply equally to the word "home" in the first line, and we suggest its deletion.

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6. The condition of entitlement to home leave is two years' continuous Government service abroad, and we assume that subparagraph (d) is drafted to cover the case of the employee who tacks his period of employment with another agency to that with CIA in order to meet the two years' minimum requirement. The requirement that the employee sign an agreement to complete two years of service with the Agency may possibly be misconstrued as an additional element of eligibility. We believe this would be clarified by use of the following wording: "In the event that the two full years' 'continuous Government service abroad' has not been spent with the Agency, prior to issuance of home leave orders, the employee will be required to sign an agreement to complete two years of service with the Agency (unless separated for reasons beyond his control), provided that such requirement will not otherwise postpone his entitlement to home leave."

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cc: Subject ✓  
Chrono